

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ban et al.

Art Unit: 2644

Serial No. 09/ 003,812

Examiner: Grier, L. A.

Filing Date: December 24, 1997

For: MULTIPURPOSE EARPHONE SET

COMMENTS ON REASONS FOR ALLOWANCE

Commissioner for Patents
PO BOX 1450
Alexandria, VA 22313

Sir:

In response to the Notice of Allowability dated March 3, 2005, Applicants would like to comment on the Reasons for Allowance. Therein, the Examiner equates the claimed portable communication terminal device to a "telephone" but a "telephone" is not recited in the claims. Similarly, the electroacoustical transducer is referred to as a "headset" even though "headset" is not found in the claims. Applicants respectfully submit that the Examiner's Reasons for Allowance includes terms that are not found in the claims, and should not be interpreted to provide meaning to those terms other than what would be given under the current standards of claim constructions as established by the case law of the Federal Circuit. Entry of these comments are respectfully requested.

Respectfully submitted,

CLARK & BRODY

Christopher W. Brody
Reg. No. 33,613

Customer No. 22902
1090 Vermont Ave. NW
Suite 250
Washington, DC 20005
Telephone: 202-835-1111
Facsimile: 202-835-1755
Docket No.: 041-1987
Date: May 27, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Satoshi BAN) Art Unit: 2644
Serial No.: 09/003,812) Examiner: GRIER, L.
Filed: 01/07/1998)

For: MULTIPURPOSE EARPHONE SET

SUBMISSION OF FORMAL DRAWINGS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Draftsman's Patent Drawing Review (Form PTO-948)
dated April 1, 1998, enclosed are six (6) sheets of replacement drawings.

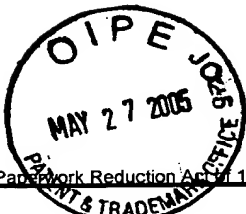
Entry is respectfully requested.

Respectfully submitted,

CLARK & BRODY

Christopher W. Brody
Reg. No. 33,613

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1090 Vermont Avenue, NW, Suite 250
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/003,812

Filing Date 01/07/1998

First Named Inventor Satoshi BAN

Art Unit 2644

Examiner Name GRIER, Laura A.

Attorney Docket Number 041-1987

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): ISSUE FEE TRANSMITTAL; COMMENTS ON NOTICE OF ALLOWANCE; SUBMISSION OF FORMAL DRAWINGS
<input type="text"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	CLARK & BRODY		
Signature			
Printed name	CHRISTOPHER W. BRODY		
Date	MAY 27, 2005	Reg. No.	33,613

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	

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